IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1123 OF 2004
IN
SUIT NO.4041 OF 2003

Suresh H.Nagdev .. Applicant

Vs.

Rajesh Padmashali .. Respondent

Mr.S.S.Sawant with Mr.M.V.Kode i/n S.Sawant for the defendant

None for the plaintiff

CORAM : S.U.KAMDAR, J

DATED : 25TH APRIL 2005

P.C.:

1. The present chamber summons is taken out for reduction in the royalty amount fixed by the Court Receiver from Rs.5000/- to Rs.500/- p.m.. The said amount has been fixed by the Court Receiver by an order dt.14.7.04. It is an admitted position that the shop premises are of 130 sq.ft. only and situated near Kurla Railway Station of Main C.S.T. Road and doing the business of Optician (sale of spectacles) The present chamber summons is served on the plaintiff. The learned counsel for the defendant undertakes to file

affidavit of service within one week.

2. Looking at the order passed by the court receiver on 14.7.04 and looking on the aforesaid circumstances and particularly that the shop premises is purchased for only Rs.3 lacs. In my opinion it is necessary that the royalty amount fixed by the court receiver be reduced accordingly. Court receiver is directed to charge sum of Rs.2500 p.m instead of Rs.5000 p.m. as final royalty amount. Arrears if any at Rs.2500/- shall be paid by defendant with the court receiver on or before 30.6.05. Failure to do so, court receiver will take possession back of the said premises to the defendant herein.